

### **REMARKS**

This paper is filed in response to the Office action mailed September 13, 2007. In this Office action:

claims 17 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by King et. al. (U.S. Publication No. 2002/0087868 A1, hereinafter “King”),

claims 1-5, 7-11, 13-16 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Cedola (U.S. Publication No. 2004/0221298 A1, hereinafter “Cedola”),

claims 6 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Cedola, and in further view of Polcha et. al. (U.S. Publication No. 2003/0217126 A1, hereinafter “Polcha”), and

claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Polcha.

In response, claims 17, 19 and 20 are canceled. Dependent claim 18 is amended to include the material from its (canceled) respective independent claim 17. Therefore, claims 1-16 and 18 are pending.

#### **Claim Rejections Under 35 USC §102(b)**

Claims 17 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by *King et al.* US Publication No. 2002/0087868 (“King”). As claims 17 and 20 are canceled, the rejection under 35 USC §102(b) no longer applies.

Claim Rejections Under 35 USC §103(a)

**Claims 1-16 and 18:**

Claims 1-5, 7-11, 13-16 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of *Cedola* US Publication No. 2004/0221298 (“Cedola”). Claims 6 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Cedola, and further in view of *Polcha et al.* US Publication No. 2003/0217126 (“Polcha”).

As original claim 17 is canceled and claim 18 depended on original claim 17, claim 18 is currently amended to incorporate the material from original claims 17 and 18 into an independent claim form. No new material is added.

According to U.S.C. 35 § 103(c)(1), “subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

Cedola qualifies as eligible for prior art consideration under 35 U.S.C. § 102(e) as Cedola was filed on May 2, 2003. However, both Cedola and the present application have the same assignee of Microsoft Corporation in Redmond, WA (US). Therefore, under U.S.C. 35 § 103(c)(1), Cedola does not preclude patentability of the present application under U.S.C. 35 § 103(a).

For the Examiner’s reference, Cedola has a reel/frame number of 014046/0764 and was recorded on May 2, 2003. The present application has a reel/frame number of 015125/0735, and was recorded March 23, 2004.

As Cedola does not preclude patentability of the present application, claims 1-16 and amended claim 18 are allowable under U.S.C. 35 § 103(a) and are in a condition for allowance.

**Claim 19:**

Claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Polcha. As claim 19 is canceled, its rejection under 35 U.S.C. 103(a) no longer applies.

**CONCLUSION**

In view of the above amendments and arguments, the Applicants submit the pending application is in condition for allowance and an early action so indicating is respectfully requested.

The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855, under Order No. 30835/306004, from which the undersigned is authorized to draw.

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Respectfully submitted,

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